

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Remediation, Office of the Director
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APR 14 2016

Mr. Walter E. Mugdan, Director
Emergency and Remedial Response Division
U.S. Environmental Protection Agency, Region II
290 Broadway, Floor 19
New York, New York 10007

Dear Mr. Mugdan,

In response to your letter of December 24, 2015, the State of New York understands that U.S. Environmental Protection Agency (EPA) is planning to oversee removal action financed by the Potentially Responsible Party, the City of New York and the New York City Department of Parks and Recreation (DPR) at the Columbia Smelting and Refining Works Site pursuant to section 104 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (CERCLA), and that post-removal site control will be necessary to ensure the continuing effectiveness of the removal action. The State of New York commits to assume responsibility for post-removal site control and institutional control activities at the Columbia Smelting and Refining Works hazardous waste site until such time as a permanent remedy is implemented or until no further site control is needed.

It is expected that removal activities conducted by the DPR under EPA oversight will cease in two phases in approximately 2018 and 2020, at which time the State will commence post-removal site control. The State acknowledges that post-removal site control activities including a New York State Department of Environmental Conservation (DEC)-approved Site Management Plan for each parcel subject to the removal action will be required. The state acknowledges that a deed restriction for each parcel subject to the removal action will be required as the institutional control. The State commits to conduct or oversee the performance of these and any other actions necessary to ensure the effectiveness of the removal action.

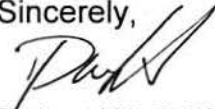
The State understands that it may claim a credit for direct, out-of-pocket expenditures of non-Federal funds associated with post-removal site control activities that constitute remedial action at the Columbia Smelting and Refining Works hazardous waste site if this site were to eventually be listed on the National Priorities List (NPL) and the requirements of CERCLA 104(c)(5)(B) are met. The State also acknowledges that there must be a Superfund Cooperative Agreement or Superfund State Contract in place prior to claiming a credit for State expenditures associated with these activities and assumes responsibility for initiating an appropriate response agreement.



Department of
Environmental
Conservation

If questions arise pertaining to post-removal site control activities at the Columbia Smelting and Refining Works Site in the future, please direct your inquiries to DEC's Regional Hazardous Waste Remediation Supervisor in our Region 2 Office, Jane O'Connell, at 718-482-4599.

Sincerely,



Robert W. Schick, P.E.

Director

Division of Environmental Remediation

cc: Dolores Tuohy, DEC
Andrew Guglielmi, SDEC
Robert Cozzy, DEC
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